

Appl. No.09/943,750
Amdt. Dated 04/28/2005
Reply to Office Action of December 28, 2004

REMARKS

Applicant has herein amended base claim 27 and canceled claim 28.

Claim Rejections – 35 USC § 103

Applicant has carefully considered the Office rejections of claims 27-30, 33, 35, 36, 40-44, 47-52, and 134 and respectfully submits that the amended claims, as supported by the arguments herein, are distinguishable from the cited references.

Notwithstanding its prior and continuing traverse of the arguments presented by the Office, Applicant has further amended base claim 27 to provide the requisite specificity required under such cases as *In re Meyer*, 599 F.2d 1026, 202 USPQ 175 (CCPA 1979), and *Akzo N. V. v. International Trade Comm'n*, 808 F.2d 1471, 1 USPQ2d 1241 (Fed. Cir. 1986), that properly reflect its grasp of a technology far superior to that of McGee and the other cited art. Consecutive broad statements in the Office's argument, to the effect that each element's claimed specificity within Applicant's claim 27 is within an obvious range in a selected piece of prior art, does not demonstrate an appreciation for or analysis of the Applicant's invention *as a whole* as is required by 35USC103(a). Applicant asserts further that the Office has not met the MPEP §2141 requirement that the references likewise be considered as a whole and must suggest the desirability and thus the obviousness of making the combination in the context of the claimed invention.

In the instant case, each iteration of Applicant's amendments, including those herein, has further stretched the basis for the original rejection with further limitations to base claim 27 until the rejection is clearly not now applicable by any standard. Applicant requests it be withdrawn in its entirety and all pending claims allowed.

As an example of support for the specificity present in the Applicant's claims as a basis for allowance, Applicant in support of its claimed specificity of modulus, explained in its remarks of facsimile date 5/12/2004 the benefit of its device as being expandable in *diameter* with the tire material as the tire is molded, a requirement not present or possible in the discontinuous strip of McGee.

Regarding the related aspect of the present claim 27 amendment for a *continuous* belt or band to which the expandable diameter is applicable in the manner described, Applicant points

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specifically to this limitation of its structure as a "*continuous band*", as a term fully supported and explained on page 5, line 25, as the manner of providing the "continuous annular layer" of claim 134. Significantly, regarding the prior art, the term "continuous band" (or belt if the Office prefers) is expressly distinguished in the specification from "*discontinuous belts*" which might be "*overlapped*" within the tire casing to form the annular layer, *as are all the disclosed structures of McGee*.

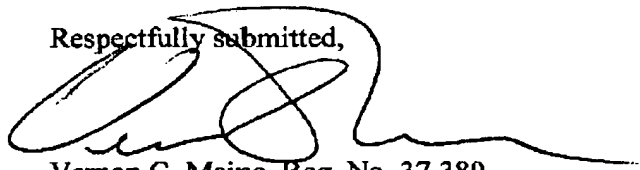
This aspect of the amended claim 27, with its supporting explanation in the specification, clearly separates the Applicant's invention structurally from McGee. *McGee relies expressly and solely*, as illustrated in its Figs. 3, 5 and 7, and described at col. 2, line 35, *on a strip structure having opposing ends*, i.e. a discontinuous belt, which must be abutted or overlapped within the tire casing in order to provide continuous annular protection.

The present amendment, with its distinguished structure and specificity of each of several elements in claim 27 and other claims, most certainly provides a sound basis to support the Office's obligation under MPEP 706: "... the examiner should never overlook the importance of his or her role in *allowing claims* which properly define the invention."

Claim 27 being allowable, the remaining claims are likewise allowable for at least that reason.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,



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